

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**UNITED STATES OF AMERICA, )**

**Plaintiff, )**

**vs. )**

**Case No. 10-5041-01-CR-SW-GAF**

**DANNY D. MAHURIN, )**

**Defendant. )**

**ORDER**

Now pending before the Court is Defendant's Motion to Dismiss Indictment and Superseding Indictment for Lack of Jurisdiction (Doc. #32). Defendant argues that there are no facts to support the government's allegations that the conduct alleged in the indictment obstructed, delayed or affected commerce. The United States filed a response, and the defendant has filed a reply.

On August 5, 2011, United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #36).

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss Indictment and Superseding Indictment for Lack of Jurisdiction (Doc. #32) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner

Gary A. Fenner, Judge

United States District Court

DATED: August 24, 2011